

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in light of the present amendments and following discussion, is respectfully requested.

Claims 1-23 are pending. By this amendment Claims 1-3, 7, 9-14, 18, and 20-23 are amended. No new matter has been added.

Applicants respectfully request the Examiner to initial and return form PTO-1449 filed June 21, 2001. A copy of the form PTO-1449 is attached hereto as well as an English language Abstract of the JP 11-18113.

The Office Action rejects Claims 1-23 under 35 U.S.C. § 112, first paragraph. The Office Action rejects Claims 1, 6, 12 and 17 under 35 U.S.C. § 103(a) over U.S. patent 5,584,050 to Lyons in view of U.S. patent 6,463,152 to Takahashi, and Claims 2-5, 7-11, 13-16 and 18-22 under 35 U.S.C. § 103(a) over Lyons in view of Takahashi and further in view of U.S. publication no. 2001/0023433 to Natsubori et al. These rejections are respectfully traversed.

In response to the rejection under 35 U.S.C. § 112, first paragraph, the claims are amended to more clearly recite the structure of the sending unit. Withdrawal of this rejection is respectfully requested.

Before considering the rejections under 35 U.S.C. § 103, it is believed that a brief review of the subject matter of the amended independent claims would be helpful. Independent Claim 1 includes an apparatus for recording and reproducing a broadcast program including a receiver configured to receive program content data broadcasted, the program content data including commercial content data, the commercial content data including commercial identify information. A memory configured to record the program content data received by said receiver is included. A decoder is configured to decode the program content data and to extract the commercial identify information from the decoded program content data. A presentation unit is configured to inform a viewer of the commercial

identify information and a sending unit is configured to create commercial audience response information in response to the viewer's selection for the commercial identify information. The commercial audience response information includes the commercial identifier and an identifier of the apparatus, and the sending unit sends the commercial audience response information to the commercial audience response control server.

Amended independent Claim 12 is directed to, *inter alia*, a method for recording and reproducing a broadcast program in an apparatus. Amended independent Claim 23 is directed to, *inter alia*, a computer program product for use with a computer.

In the invention of Claims 1, 12 and 23, a viewer is encouraged to watch a commercial program instead of skipping it when watching a broadcast program. Program content data (broadcast program) includes commercial content data (commercial program). The commercial identify information is previously multiplexed on the commercial content data. The commercial identify information contains at least a commercial identifier and a server address of a commercial audience response control server that exists remotely. In decoding the program content data, the commercial identify information is extracted from decoded commercial content data. In the case of reproducing the commercial content data, the commercial identify information included in the commercial content data is provided to the viewer.

After watching the commercial content data, when the viewer selects the commercial identify information, commercial audience response information is automatically created and sent to the commercial audience response control server. The commercial audience response information contains at least the commercial identifier and identifier of the apparatus. Thus, the commercial identify information is provided to the viewer while reproducing the commercial program and the commercial audience response information is created in response to the viewer's indication and sent to the commercial audience response control server. Accordingly, the commercial audience response control server counts the response

result (point) by unit of the apparatus according to the commercial identifier and the identifier of the apparatus included in the commercial audience response information. Thus, by referring to the point, the viewer can receive various kinds of services in proportion to the number of points accumulated. Thus, a viewer is encouraged to record/reproduce broadcast programs without skipping the commercial programs.

Lyons discloses a central station that discriminately monitors each program entered by a plurality of broadcast stations. Each broadcast station transmits program information of programs aired to the central station. The program information includes identification information and cost information of each of the programs. When the central station receives the program information, the central station uniquely determines an identifier of each program based on the identification information and calculates a cost of the program based on the cost information.

Takahashi discloses that scrambled video and audio data can be reproduced within a permitted number of times only in a receiving and playing apparatus in case of a paid broadcast. First, when the receiving and playing apparatus receives program data of a paid broadcast, the receiving and playing apparatus generates an apparatus individual key and a program key different in every program, and scrambles the program data and the program key using the apparatus individual key and controls the number of times of play of the program data. Thereby, the play of the program data that is more than the permitted number of times can be prohibited.

In Natsubori, the necessary information to record a commercial, such as dates and channels on which the commercial is broadcast, is previously provided to the consumer side. A broadcasting station creates a broadcast schedule of the commercial. An information providing apparatus receives the broadcast schedule and creates a commercial program guide by changing the broadcast schedule based on an advertisement rate of the commercial. The commercial program guide is transmitted to an information storage device on the consumer

side. The information storage device automatically records the commercial broadcasted from the broadcasting station based on the commercial program guide. Furthermore, the commercial can be played based on various classifications by the commercial program guide.

However, none of the references disclose program content data including commercial content data, the commercial content data including commercial identify information and commercial audience response information created in the response to the viewer selection for the commercial identify information and sent to the commercial audience response control server.

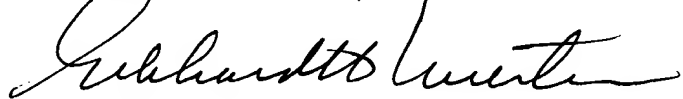
The remaining dependent claims are allowable for at least the reasons discussed above with respect to the independent claims and for the individual features they recite. Withdrawal of the rejection of the dependent claims is respectfully requested.

For the foregoing reasons, it is respectfully submitted that this application is now in condition for allowance. A Notice of Allowance is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

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